



July 24, 2015

Clint E. Snyder, P.G.  
Assistant Executive Officer  
Central Valley Water Board  
364 Knollcrest Drive, Suite 205  
Redding, CA 96002

Dear Mr. Snyder,

Thank you for the opportunity to provide comments on the Central Valley Region's draft Conditional Waiver program for medical marijuana cultivators, as well as the Region's Draft Best Management Practices Manual for cannabis cultivators. CalTrout, Trout Unlimited, and The Nature Conservancy applaud the Regional Board for these efforts to tackle this important issue and provide a more robust regulatory framework for the cannabis industry.

Our specific comments are as follows:

**Conditional Waiver Program**

*Page 1, #7:* Would it be possible to highlight and note more specifically the requirements related to controlling erosion from roadways? We have found this to be a very significant problem with many existing grows and feel that warrants more specific mention.

*Page 2, #9:* We feel that this item could benefit from more specificity describing what constitutes "associated facilities." We have noted significant problems with growers locating generators adjacent to streams such that diesel fuel pollutes the waterway. We would suggest specifically including generators in this provision, as well as spelling out other examples of the facilities anticipated under this provision.

*Page 3, #16 and #17:* We are very pleased that these provisions are included in the Waiver Program, and strongly support this requirement.

*Page 3, #19:* For clarification, we suggest elucidating what is included under "cultivation activities." Does this include just the garden footprint, or also facilities and associated infrastructure?

*Page 5, #3c:* We applaud the requirement for a Site Management Plan, and have a few minor suggestions for the subsection related to specific management protections. In addition to “water storage and use,” we suggest you add “diversion practices.” We have found that the method and timing of diversions are critical to maintaining healthy streams. For instance, variable rate pumps that allow a landowner to divert water at a slower rate over a longer period of time can protect base flows. Additionally, we suggest that you more fully describe “riparian protection” to alert cultivators to the suite of riparian issues they need to consider in a management plan such as maintaining base level streamflows, protection of riparian vegetation, and avoidance of any development in the riparian zone riparian vegetation.

### **Best Management Practices Manual for Cannabis Cultivation**

In general, the Best Management Practices (BMP) Manual appears to be comprehensive, and we particularly support the language noting that a grower must have a legal water right and associated permits before diverting water. Our detailed comments follow:

*Page 3:* Suggest defining ‘anadromous’ in your Definitions Appendix.

*Water Supply Section:* This section notes September and October as the critical low flow period for streams. Our research shows that August, and even July, are also critical months for preserving streamflows, in particular during drought years, when these BMPs will be particularly important. We suggest extending the low flow period to also include July and August. More importantly, we suggest adding a voluntary forbearance period in the bulleted list of BMPs. The BMP could encourage growers to refrain from direct diversions and instead rely on stored water during the critical months of August through October, and also July (in dry years).

We suggest that the BMP regarding screening water pump intakes you should also require compliance with Department of Fish and Wildlife requirements for intake screens, as well as cite the relevant Fish and Game code.

Finally, the BMP list mentions bladders as a suggested water storage mechanism. We suggest instead that the Manual discourage landowners from using bladders due to their short service life and the significant environmental damage associated with their failure.

*Erosion and Sediment Section:* The bulleted list of BMPs states, “Do not service or fuel equipment near water resources and store petroleum products away from waters . . .” We suggest specifying exactly how far away from water resources landowners should store and use petroleum products. We also suggest defining ‘steep slope’ in bullet 4 on page 9.

*Potting Soil, Amendments, Fertilizers, etc. Section:* On bullet 5, page 15, we suggest specifying exactly how far away from water resources landowners should mix and prepare pesticides, fertilizers, and petroleum products.

Again, thank you for the opportunity to review these documents and please contact us if you have any questions.

Best regards,

Nancy Smith  
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The Nature Conservancy

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Staff Attorney  
Trout Unlimited

Darren Mireau  
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CalTrout